

III. REMARKS

Claims 1-5, 8-13, 16 and 18-21 are not unpatentable under 35 U.S.C. 103(a) as being obvious over Dent.

Claim 1 recites ...“transmitting from the second access point, at intervals, data about the encryption key selected at the time over a broadcast control channel to the mobile terminal...”. Independent claims 9, 19 and 21 have similar limitations. This has the advantage of minimizing loss of synchronization time during handover.

The Examiner has cited Dent (column 15, lines 2-8) as disclosing this feature. However, this portion of Dent discloses that if there is a delay in the detection of correctly enciphered traffic from the mobile station to the base station (column 14, lines 61-64), then further FACCH transmission of synchronization information ceases (column 15, lines 6-7). As the Examiner admits at the top of page 6 of the last office action, this is not the same as the presently claimed “transmitting...at intervals...”. In Dent such a specific error situation occurs irregularly, if at all. It is respectfully submitted that there is no disclosure in Dent, whether expressed or implied, of multiple transmissions as stated by the Examiner. Therefore there are no “intervals” as presently claimed. These differences make the presently claimed invention unobvious over Dent.

Further, Dent discloses in column 14, lines 21-25, synchronization of block counters or key stream generators. This is not the same as the presently claimed “encryption key” since if counters or generators are used for creating encryption keys, they will not correspond to each other at the old and new base stations. There is no disclosure in Dent of transmitting data about the encryption key selected at the time as presently claimed.

Claim 1 also recites "...such a broadcast control channel control field is selected which is not used as a general broadcast control channel control field intended for several mobile terminals." Claims 9, 19 and 21 have similar limitations.

The Examiner has cited Dent, column 6, line 45, to column 7, line 2, and column 10, paragraph 3 for this feature. However, the first of these citations merely discloses transmitting synchronization information on a slow data rate channel. During handover synchronization information is also transmitted on a high data rate channel. There is no disclosure of selecting a broadcast control field which is not used as a general broadcast control field intended for several mobile terminals. The second citation merely discloses modulation methods. It is respectfully submitted that neither citation discloses the above-cited claim limitations. If the Examiner persists in this argument, he is requested to read these limitations on the disclosure of Dent.

Since the above-discussed and claimed features are not disclosed or made obvious by Dent, the rejection of claims 1-5, 8-13, 16 and 18-21 under U.S.C. 103(a) over Dent should be withdrawn.

Claims 6 and 14 are not unpatentable under 35 U.S.C. 103(a) over Dent in view of Kojima et al. ("Kojima")

Since the above-discussed and claimed features are not in Kojima, which merely discloses that the mobile station can request handoff to both the old and the new base station, combining it with Dent does not result in the claimed invention. Thus, the rejection of claims 6 and 14 under 35 U.S.C. 103 on Dent in view of Kojima should be withdrawn.

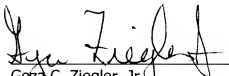
Claims 7 and 15 are not unpatentable under 35 U.S.C. 103(a) over Dent in view of Gilhousen et al. ("Gilhousen")

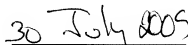
Gilhausen teaches that the mobile station can detect the need for handover and find the cell with the strongest signal. Therefore, the mobile station can request handoff to that cell. Gilhausen also fails to disclose the above-discussed and claimed features. Thus, combining it with Dent does not result in the claimed invention. Thus, the rejection of claims 7 and 15 under 35 U.S.C. 103 on Dent in view of Gilhausen should be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested, or at least entry for appeal purposes since the claims are in better form for an appeal. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of \$130 for a one-month extension of time as well as any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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